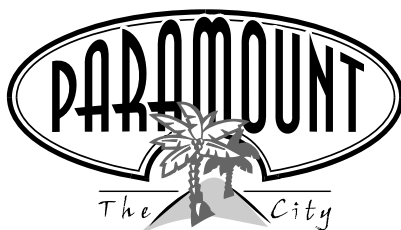


AGENDA

Paramount City Council

June 11, 2019



Adjourned Meeting
City Hall Council Chambers
4:30 p.m.

City of Paramount

16400 Colorado Avenue ♦ Paramount, CA 90723 ♦ (562) 220-2000 ♦ www.paramountcity.com

Public Comments: If you wish to make a statement, please complete a Speaker's Card prior to the commencement of the Public Comments period of the meeting. Speaker's Cards are located at the entrance. Give your completed card to a staff member and when your name is called, please go to the rostrum provided for the public. Persons are limited to a maximum of 3 minutes unless an extension of time is granted. No action may be taken on items not on the agenda except as provided by law.

Americans with Disabilities Act: In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk's office at (562) 220-2027 at least 48 hours prior to the meeting to enable the City to make reasonable arrangements to ensure accessibility to this meeting.

Note: Agenda items are on file in the City Clerk's office and are available for public inspection during normal business hours. Materials related to an item on this Agenda submitted after distribution of the agenda packet are also available for public inspection during normal business hours in the City Clerk's office. The office of the City Clerk is located at City Hall, 16400 Colorado Avenue, Paramount.

Notes

CALL TO ORDER:

Mayor Tom Hansen

ROLL CALL OF
COUNCILMEMBERS:

Councilmember Laurie Guillen
Councilmember Peggy Lemons
Vice Mayor Daryl Hofmeyer
Mayor Tom Hansen

PUBLIC COMMENTS

NEW BUSINESS

1. DISCUSSION

Councilmember Vacancy

COMMENTS/COMMITTEE REPORTS

- Councilmembers

- Staff

ADJOURNMENT

To a meeting on June 18, 2019 at 5:00 p.m.

June 11, 2019

DISCUSSION

COUNCILMEMBER VACANCY



To: Honorable City Council
From: John Cavanaugh, City Attorney
John Moreno, City Manager
By:
Date: June 11, 2019

Subject: LEGAL PROCEDURES FOR FILLING THE VACANCY ON THE CITY COUNCIL RE: DIANE MARTINEZ

Question

What procedures must be followed under state law when Councilmember Martinez retires from her position and a vacancy occurs on the City Council?

Discussion

This memorandum serves to advise you of the legal procedures for filling a City Council vacancy **when** it occurs.

Government Code Section 36512¹ sets forth the procedures for filling vacancies in elected city offices. Section 36512(b) gives two specific statutory options for the City Council to follow – **appointment and special election**. Section 36512(c) allows the City to adopt its own ordinance designating the specific method for the City Council to follow. Paramount has not adopted an ordinance on point; therefore, the procedures for filling any vacancy must adhere to the state law requirements discussed below.

Statutory Procedures

To be effective, a resignation should be in writing and filed with the City Clerk. (Section 1750(f)). A resignation takes effect by its terms; therefore, a Councilmember's decision to retire (thus creating a vacancy) commences (is effective) on the date of retirement/resignation and not before. Once effected, a resignation cannot be withdrawn. Councilmember Martinez stated at the Tuesday City Council meeting that her retirement from the City Council will be effective on Friday, June 7, 2019. For this to be effective, she is required to submit her decision in writing with the City Clerk no later than Friday, June 7, 2019. Staff received a letter from Councilmember Martinez on June 7, 2019 indicating her decision to retire.

Section 36512 (b) states that "If a vacancy occurs in an elective office provided for in this chapter, the council **shall**, within **60 days** from the commencement of the vacancy, either **fill** the vacancy by appointment or call a special election to fill the vacancy."

¹ Unless otherwise stated, all references are to the California Government Code.

(emphasis added). In our case, the City Council will need to either fill the vacancy or, call for a special election no later than **August 6, 2019**. The special election shall be held on the next regularly established election date not less than 114 days from the call of the special election.

Should the City Council fill the vacancy by appointment, that individual will serve the remainder of Councilmember Martinez's term which expires at the next general municipal election in March 2020.

Legal Options to Fill a Council Vacancy

The City Council has several legal options in which to fill the vacancy left by Councilmember Martinez:

1. Take no action to fill the vacancy and allow that open position to be filled at the next general municipal election in March, 2020. This option would have the existing City Council makeup to be only four (4) members. This option has some challenges such as (1) any tie votes would result in no action taken; (2) any urgency ordinance presented would require an affirmative vote of ALL Councilmembers; rather than 4 out of 5; and (3) should 2 Councilmembers be unavailable at a Council meeting; no action can be taken as a quorum would not be established.
2. Call for a special election immediately, but no later than August 6, 2019. This option has real issues to the case at hand that involve timing and cost. The soonest a special election can be held is November 5, 2019. As is the case with most elections, it is anticipated that the County could take approximately 30 days to officially certify the election results. If this were the case, the winning candidate wouldn't be sworn into office until December 3, 2019. Since there will be a general municipal election in March 2020, this would leave just three months of service as a councilmember. Furthermore, a special election will cost the City approximately \$287,000 for a November 5, 2019 special election as the County will be responsible for holding the special election. This information and estimated cost for a special election was received by the City Clerk's office from the Los Angeles County Registrar/Recorder's Office on June 6, 2019 (Please see attached letter).
3. Fill the vacancy by appointment. As stated above, should the City Council choose this option they would have 60 days from June 7, 2019 to make the appointment. The 60 days would expire on August 6, 2019. If the City Council chooses to appoint a person, they would need to do this in an expeditious manner. A calendar for the next couple of months is attached. There is no legal requirement that the Council use any method of appointment; however, the appointment must be made in public. This is not a permitted closed session discussion or decision.²

² Government Code Section 54957(4)

- a) If the City Council is interested in making an appointment within 60 days of June 7, 2019, they may do so with or without a formal application process. Accordingly, any Councilmember can make a motion to appoint a specific person, which would need to be seconded and approved by at least three (3) votes.
- b) Alternatively, the Council could call for interested persons to submit applications for the vacant Council position to be considered by the City Council at a special or regular meeting. In this scenario, the City Council could require the application to include a nomination paper signed by at least 20 but not more than 30 registered voters; a statement of qualifications of not more than 400 words; and an oral presentation of 3 or 5 minutes at a Council meeting. The City Council would need to determine whether to follow this process and if so, when the application packages are due and a meeting date at which the Council would consider applications. As stated above, there is a general municipal election that will be held in March 2020. Councilmember Martinez's remaining term is approximately 8½ months. With such a short window of time to serve, the City Council may wish to consider a pool of candidates who already possess experience, familiarity, and knowledge of the Paramount city government. This could allow the appointed person to "hit the ground running" and more effectively serve the remaining months of Councilmember Martinez's term. With five (5) City commissions and five (5) commissioners on each, the City Council has a potential pool of 25 residents with varying levels of experience. If someone were appointed to the position, then that person would only hold office for the remainder of the term, which would be to the end of March or early April 2020 when the election results are certified, and a new Councilmember is seated.

RECOMMENDED ACTION

It is recommended that the City Council consider the legal options in which to fill the vacancy left by Councilmember Martinez.



Los Angeles County Registrar-Recorder/County Clerk

DEAN C. LOGAN
Registrar-Recorder/County Clerk

June 6, 2019

Lana Chikami, City Clerk
City of Paramount
16400 Colorado Avenue
Paramount, CA 90723

ESTIMATED COST FOR THE NOVEMBER 5, 2019 LOCAL AND MUNICIPAL ELECTIONS

Dear Ms. Chikami:

As requested, the estimated cost for the City of Paramount to participate in the November 5, 2019 Local and Municipal Elections with one office is \$287,000.

The estimated cost is based on the following voter counts: 22,955 registered voters and 10,530 permanent vote-by-mail voters. **Any changes in the election factors will impact the final costs for your jurisdiction.**

If you have any questions regarding this estimate, please contact Henrietta Willis-Kendall of my staff at (562) 462-2690.

Sincerely,

DEAN C. LOGAN
Registrar-Recorder/County Clerk

MARGARET PALACIOS, Manager
Fiscal Operations

June 2019

July 2019

June 2019

| Su | Mo | Tu | We | Th | Fr | Sa |
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| 1 | 2 | 3 | 4 | 5 | 6 | 7 |
| 8 | 9 | 10 | 11 | 12 | 13 | 14 |
| 15 | 16 | 17 | 18 | 19 | 20 | 21 |
| 22 | 23 | 24 | 25 | 26 | 27 | 28 |
| 29 | 30 | 31 | | | | |

| Sunday | Monday | Tuesday | Wednesday | Thursday | Friday | Saturday |
|--------|--------|---------------------------------|----------------|---------------|----------------------------|----------|
| May 26 | 27 | 28 | 29 | 30 | 31 | Jun 1 |
| | | | | | | |
| 2 | 3 | 4 | 5 | 6 | 7 | 8 |
| | | Council 6:00 | | PW Comm. 6:00 | Agenda Posting/Delivery | |
| 9 | 10 | 11 | 12 | 13 | 14 | 15 |
| | | Council 4:30 Plan Comm. 6:00 | | | Agenda Posting/Delivery | |
| 16 | 17 | 18 | 19 | 20 | 21 | 22 |
| | | Council 5:00 | P&R Comm. 6:00 | | | |
| 23 | 24 | 25 | 26 | 27 | 28 | 29 |
| | | PS Comm. 6:00 | | | Agenda Posting/Delivery | |
| 30 | Jul 1 | 2 | 3 | 4 | 5 | 6 |
| | | | | | | |

5/26 - 31

6/2 - 7

6/9 - 14

6/16 - 21

6/23 - 28

6/30 - 7/5

July 2019

July 2019

August 2019

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| Sunday | Monday | Tuesday | Wednesday | Thursday | Friday | Saturday |
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| Jun 30 | Jul 1 | 2 | 3 | 4 | 5 | 6 |
| | | Council 6:00 | | PW Comm. 6:00 | | |
| 7 | 8 | 9 | 10 | 11 | 12 | 13 |
| | | Plan Comm. 6:00 | | | Agenda Posting/Delivery | |
| 14 | 15 | 16 | 17 | 18 | 19 | 20 |
| | | Council 5:00 | P&R Comm. 6:00 | | | |
| 21 | 22 | 23 | 24 | 25 | 26 | 27 |
| | | PS Comm. 6:00 | | | | |
| 28 | 29 | 30 | 31 | Aug 1 | 2 | 3 |
| | | | | | | |

Jun 30 - Jul 6

Jul 7 - 13

Jul 14 - 20

Jul 21 - 27

Jul 28 - Aug 3